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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	CASE NO. CR- 15-194 -JST
	)	
v.	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	EXCLUDING TIME FROM OTHERWISE
ASHLEY CEDRICK SMITH,	)	APPLICATION SPEEDY TRIAL ACT
	)	CALCULATION
Defendant.	)	

**STIPULATION**

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The parties appeared before the Court on June 5, 2015 at 9:30 a.m. for a status hearing. Mr. Smith was present and represented by Deputy Public Defender Joyce Leavitt. Assistant United States Attorney Kevin Barry appeared for the Government. The parties requested a continuance of the matter, with time excluded for effective preparation of counsel.

2. Accordingly, with the parties' agreement as to the new date, the Court scheduled another status hearing for August 7, 2015 9:30 a.m., with the understanding that the parties would submit a Stipulation and Proposed Order excluding time.

3. The parties now formalize their request for exclusion of time in this matter and respectfully submit and agree that the period from June, 2015 through and including August 7, 2015 should be

1 excluded from the otherwise applicable Speedy Trial Act computation because the continuance is  
2 necessary for effective preparation of counsel, taking into account the exercise of due diligence.

3 4. The parties concur that granting the exclusion would allow the reasonable time necessary  
4 for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. §3161(h)(7)(B)(iv). The  
5 parties also agree that the ends of justice served by granting such an exclusion of time for the purposes  
6 of effective preparation of counsel outweigh the best interests of the public and the defendant in a  
7 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

8 IT IS SO STIPULATED.

9  
10 DATED: June 8, 2015

MELINDA HAAG  
United States Attorney

11  
12 /s/  
13 SARAH HAWKINS  
Assistant United States Attorney

14  
15 DATED: June 8, 2015

16 /s/  
17 JOYCE LEAVITT  
Counsel for the Defendant

**~~PROPOSED~~ ORDER**

Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice served by granting a continuance from June 5, 2015 through and including August 7, 2015 outweigh the best interest of the public and the defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT the period from June 5, 2015 through and including August 7, 2015 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: June 9, 2015

  
HON. JON S. TIGAR  
United States District Judge